

1 BILL NO. Z-86-09-16

2 ZONING MAP AMENDMENT NO. Z-*Lash.*

3 AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-7.

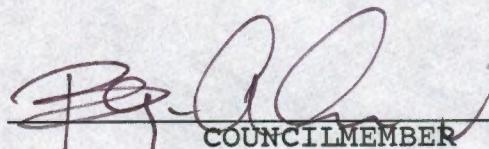
4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
5 FORT WAYNE, INDIANA:

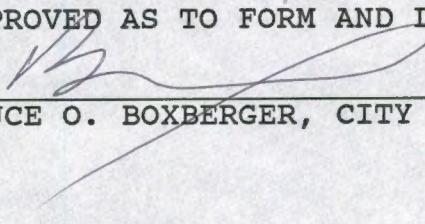
6 SECTION 1. That the area described as follows is
7 hereby designated an M-1 (Light Industrial) District under
8 the terms of Chapter 33 of the Code of the City of Fort
9 Wayne, Indiana of 1974:

10 Lot No. 31 in Industrial Park Addition,

11 and the symbols of the City of Fort Wayne Zoning Map No.
12 N-7, as established by Section 11 of Chapter 33 of the Code
13 of the City of Fort Wayne, Indiana are hereby changed
14 accordingly.

15 SECTION 2. That this Ordinance shall be in full force
16 and effect from and after its passage and approval by the
17 Mayor.

18 
19 COUNCILMEMBER

20 APPROVED AS TO FORM AND LEGALITY:
21 
22 BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Eisbart,
seconded by Stier, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the C
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on , the day of
 , 19 , at o'clock .M..

DATE: 9-23-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbart,
seconded by Stier, and duly adopted, placed on it
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u> </u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 10-14-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO.
on the day of , 19

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the day of , 19
at the hour of o'clock .M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this day of
19 , at the hour of o'clock .M., E.S.T.

WIN MOSES, JR., MAYOR

RECEIPT

No 1128

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

8/11 1986

RECEIVED FROM

James Phossee

\$ 50.00

THE SUM OF

fifty ~~1~~ 00 DOLLARS

100

ON ACCOUNT OF

2924 Hwy 6, re zoning R-26M-1
J. Phossee

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATEI/We JAMES PROSSER AND MARY L PROSSER
(Applicant's Name or Names)do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RESIDENCE District to a/an PARKING District the property described as follows:LOT FOR TRUCKS

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

James Prosser
Buster W. Doyle Staton, Sr.
Mary K. Johnson
(Name)2924 Gay
28-8 Gay Street
2906 Gay Street
(Address)James Prosser
W. Doyle Staton, Sr.
Mary K. Johnson
(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

JULIAN E KLINE
(Name)2308 NEW HAVEN AVE
(Address & Zip Code) 468034265090
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Castella Dunbar	901 Colerick St.	Castella Dunbar
Phyllis Smith	2915 Gay St.	Phyllis Smith
Jones Brooks	1006 E. Mc Kee	Jones Brooks
Michael Jackson	2904 Gay St.	Michael Jackson
Eleanor Venters	2933 Gay St.	Eleanor Venters
Alice Hall	907 Casperick	Alice Hall
Alysse Moore	2924 Gay	Alysse Moore
Owners of Property		
Kenneth R. Day	2938 Gay St.	Kenneth R. Day
Ry Aled Jones	2943 Gay	Ry Aled Jones
Elwin Hudson	2942 Gay	Elwin Hudson
Henry Hudson	2942 Gay	Henry Hudson
Senor Cato	2946 Gay St.	Senor Cato
Willard J. Fuller (Name) Beatrice Carlisle	2936 Gay St. 2906 1/2 Gay St.	Willard J. Fuller Beatrice Carlisle
Henry J. Frisbee	2937 Gay	Henry J. Frisbee
Ethel L. Hamilton	2911 Gay St.	Ethel L. Hamilton
(Address)		(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 23, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-09-16; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 15, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

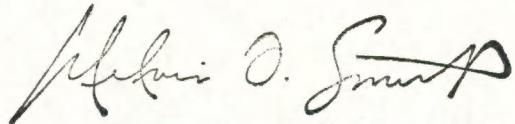
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 22, 1986.

Certified and signed this
25th day of September 1986.

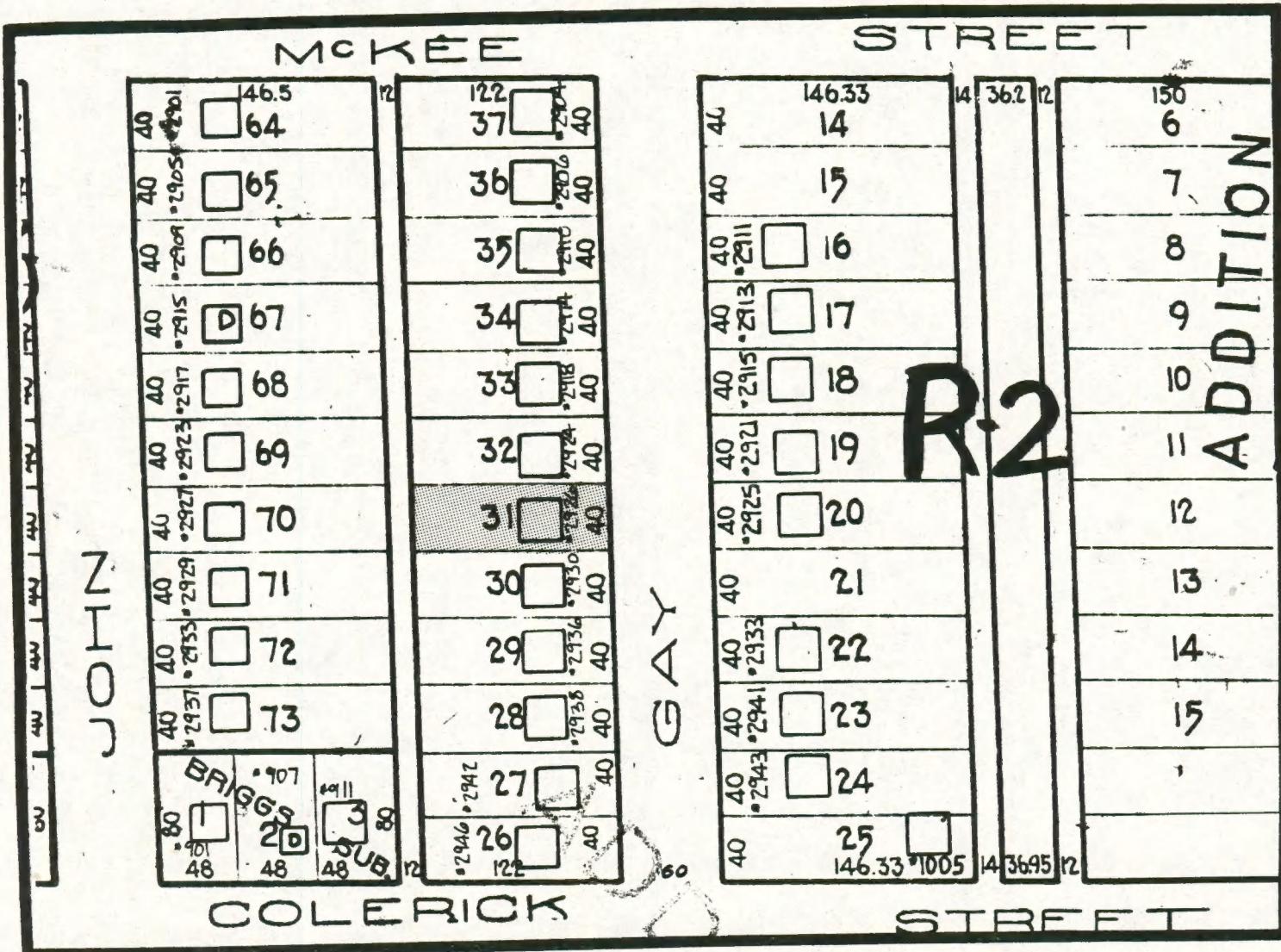


Melvin O. Smith
Secretary

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM AN R-2 TO A M-1 DISTRICT.

MAP NO. N-7

COUNCILMANIC DISTRICT NO. 1



ZONING:

R-2 RESIDENTIAL DISTRICT

LAND USE:

SINGLE FAMILY
 DUPLEX

SCALE: 1"=100'

DATE: 8-28-86

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON																																	
Zoning Ordinance Amendment From R-2 to M-1																																			
DETAILS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Specific Location and/or Address 2924 Gay Street</td> <td style="padding: 5px;">POSITIONS</td> <td style="padding: 5px;">RECOMMENDATIONS</td> </tr> <tr> <td style="padding: 5px;">Reason for Project To allow for storage and parking of trucks.</td> <td style="padding: 5px;">Sponsor</td> <td style="padding: 5px;">City Plan Commission</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">Area Affected</td> <td style="padding: 5px;">City Wide</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;"></td> <td style="padding: 5px;">Other Areas</td> </tr> <tr> <td style="padding: 5px;">Discussion (Including relationship to other Council actions)</td> <td style="padding: 5px;">Applicants/ Proponents</td> <td style="padding: 5px;">Applicant(s) James & Mary Prosser City Department Other</td> </tr> <tr> <td style="padding: 5px;">15 September 1986 - Public Hearing James Prosser, petitioner stated he was requesting the rezoning in order to allow him to store three 2-ton dump trucks on the subject property. He stated that he lives adjacent to the lot in question and wants to be able to keep an eye on his equipment. Mr. Prosser stated that he has been storing the trucks there since 1974, but was recently cited for doing so when someone called and complained about the noise. Mr. Prosser stated that he had gone around to some of the neighbors in the area and they signed a petition stating that they were not opposed to the rezoning. There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.</td> <td style="padding: 5px;">Opponents</td> <td style="padding: 5px;">Groups or Individuals Basis of Opposition</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">Staff Recommendation</td> <td style="padding: 5px;"><input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -constitute spot zoning -cause further deterioration in area</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">Board or Commission Recommendation</td> <td style="padding: 5px;">By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)</td> </tr> <tr> <td style="padding: 5px;">CITY COUNCIL ACTIONS (For Council use only)</td> <td style="padding: 5px;"><input type="checkbox"/> Pass</td> <td style="padding: 5px;"><input type="checkbox"/> Other</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;"><input type="checkbox"/> Pass (as amended)</td> <td style="padding: 5px;"><input type="checkbox"/> Hold</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;"><input type="checkbox"/> Council Sub.</td> <td style="padding: 5px;"><input type="checkbox"/> Do not p</td> </tr> </table>			Specific Location and/or Address 2924 Gay Street	POSITIONS	RECOMMENDATIONS	Reason for Project To allow for storage and parking of trucks.	Sponsor	City Plan Commission		Area Affected	City Wide			Other Areas	Discussion (Including relationship to other Council actions)	Applicants/ Proponents	Applicant(s) James & Mary Prosser City Department Other	15 September 1986 - Public Hearing James Prosser, petitioner stated he was requesting the rezoning in order to allow him to store three 2-ton dump trucks on the subject property. He stated that he lives adjacent to the lot in question and wants to be able to keep an eye on his equipment. Mr. Prosser stated that he has been storing the trucks there since 1974, but was recently cited for doing so when someone called and complained about the noise. Mr. Prosser stated that he had gone around to some of the neighbors in the area and they signed a petition stating that they were not opposed to the rezoning. There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.	Opponents	Groups or Individuals Basis of Opposition		Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -constitute spot zoning -cause further deterioration in area		Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)	CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass	<input type="checkbox"/> Other		<input type="checkbox"/> Pass (as amended)	<input type="checkbox"/> Hold		<input type="checkbox"/> Council Sub.	<input type="checkbox"/> Do not p
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DETAILS

22 September 1986 - Business Meeting

Motion to return the ordinance to the Common Council with a DO NOT PASS was made and passed.

Of the 7 members present 6 voted in favor of denial - one did not vote.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

 No Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 11 August 1986

Projected Completion or Occupancy

Date 25 September 1986

Fact Sheet Prepared by

Date 25 September 1986

Patricia Biancaniello

Reviewed by

Date

Gary Becker
Reference or Case Number

26 September 1986

ORIGINALCOUNCILMANIC DISTRICT No. 1

DIGEST SHEET

ORIGINALTITLE OF ORDINANCE Zoning Ordinance AmendmentDEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P3-86-09-16SYNOPSIS OF ORDINANCE 2924 Gay Street

EFFECT OF PASSAGE Property is zoned R-2 - Two Family Residential.Property will become M-1 - Light Industrial District.EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential.MONEY INVOLVED (Direct Costs, Expenditures, Savings) (ASSIGN TO COMMITTEE (J.N.))

BILL NO. Z-86-09-16

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of
Fort Wayne Zoning Map No. N-7

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION)

YES

NO

BEN A. EISBART
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN _____

SANDRA E. KENNEDY
CITY CLERK